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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,337	07/07/2003	Steven Moder	590282001400	8764
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MORRISON & FOERSTER LLP 755 PAGE MILL RD PALO ALTO, CA 94304-1018			PILLAI, NAMITHA	
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			2173	
DATE MAILED: 05/02/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,337

Applicant(s)

MODER ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) on 3/15/06. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith. The Examiner acknowledges Applicant's amendments to claims 8 and 10-19. All pending claims have been rejected as being previously disclosed or obvious over previously disclosed prior references.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "**at about the same time**" is indefinite for not clearly specifying the standard necessary for measuring the degree intended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8-10, 16 and 18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by International Publication WO 99/59337 (Parish, Craig), herein referred to as Parish.

Referring to claim 8, Parish discloses a method for transmitting media content from an editing system at a source location to a target location (page 3, lines 11-14). Parish discloses displaying the media content including playing audio content at about the same time at both the target and source location (page 5, lines 10-12), wherein the media content is displayed at the base and remote sites simultaneously along with the audio related to it. Parish discloses transmitting spoken audio from a user of the editing system at the target location to a user at the source location (page 7, lines 10-20), where the video conferencing system and its audio components allow the users to speak into a microphone and communicate between each other from the remote and base sites. Parish discloses providing microphones at both source and target locations allowing both sets of users to communicate spoken audio and specifically transmit spoken audio from the target location to the source location. See page 10, lines 12-16. Parish discloses manipulating from the target location a level of the audio content as played at the source location (page 14, lines 20-24), wherein Parish teaches manipulation of the transmitted audio content, the content level being manipulated in a distinct format at the target location. Parish discloses manipulating from the target location a level of the transmitted spoken audio as played at the source location, thereby to facilitate conversation between the users (page 13, lines 19-24), Parish teaching that transmitted spoken audio is further manipulated by level to be output at

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the remote site, wherein Parish teaches further manipulation that is done to change the level of the audio spoken. Parish discloses manipulating the audio data format when audio data is transmitted between source and target locations (page 8, lines 9-20). In order to properly transmit and output the audio data that is spoken, audio data spoken at the source or target location is manipulated to a distinct format representing changes in level and then further transmitted to the source and target locations to be properly output to the users at the location to hear the spoken word from the speaker who may be at the source or target locations.

Referring to claim 9, Parish discloses that transmitting spoken audio is over a video conferencing system (page 5, lines 10-20).

Referring to claim 10, Parish discloses adding at least one of graphics, text, or other information to the transmitted media content in conjunction with the video conferencing (page 18, lines 7-11), wherein annotating the media content teaches adding information to the transmitted media content. Parish in general teaches editing media data in conjunction with video conferencing wherein annotations and transmission of data, communication between users would be carried out through video conferencing therefore any form of editing would be carried out in conjunction with video conferencing.

Referring to claim 16, Parish discloses a method for transmitting media content from an editing system at a source location to a target location (page 3, lines 11-14). Parish discloses displaying the media content at about the same time at both the target and source locations (page 16, lines 15-20), wherein the same media content is

simultaneously displayed to all the users of the collaboration system. Parish discloses manipulating remotely from the target location the editing system at the source location to control playback of the media content at both locations at about the same time (page 16, lines 15-20), wherein the editing of the media content is the remote manipulation at the remote site and viewable at other sites wherein the director can view what is being manipulated at another remote site. The media data that is played is played simultaneously to both viewers at the source and target locations. Parish discloses providing a videoconference system linking the target and source locations (page 4, lines 10-14).

Referring to claim 18, Parish discloses a system including an editing system at a source location for the creation of media content (page 3, lines 1-13), wherein Parish teaches an editing system at a source location for the creation of multimedia content which includes soundtrack representative of audio. Parish discloses that the editing system is adapted to play back the media content and to transmit the media content to a target location (page 3, lines 11-14). Parish discloses a videoconference system linking the target and source locations (page 4, lines 10-14). Parish discloses an editing control console at the target location coupled to the editing system (page 16, lines 17-20) and displaying the transmitted media content at the target location (page 5, lines 10-18), wherein the editing control console remotely manipulates the editing system from the target location, to control playback of the media content at both locations at about the same time (page 17, lines 15-23 and page 18, lines 1-3), where Parish discloses an editing user interface that can be manipulated and playback is controlled based on this

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user interaction with the editing user interface. The media data that is played is played simultaneously to both viewers at the source and target locations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parish.

Referring to claims 11 and 15, Parish does not disclose that manipulating the transmitted audio content level includes increasing, decreasing, or muting the audio level as played at the source location. It is notoriously well known to one skilled in the art, at the time of the invention to disclose that manipulating audio levels includes increasing, decreasing, or muting the audio level, wherein these represent volume adjusters found in various operating systems of computer systems to adjust the volume to a desired level by the user. Examiner takes Official Notice of this teaching. It would have been obvious for one skilled in the art, at the time of the invention to teach that manipulating the audio content level includes increasing, decreasing, or muting the audio level. Parish discloses a system that enables users to listen to audio data, further allowing adjustments made to this audio data, as is common in computer systems, it would have been obvious that a volume adjuster is presented to the user to manipulate the volume desired for a user to listen to the audio content. Hence, it would have been

obvious to one skilled in the art, at the time of the invention to manipulate the audio content level including increasing, decreasing, or muting the audio level.

Referring to claim 12, Parish discloses a system with an editing system at a source location for the creation of media content including audio (page 3, lines 1-13), wherein Parish teaches an editing system at a source location for the creation of multimedia content which includes soundtrack representative of audio. Parish discloses that the editing system adapted to play back the media content and to transmit the media content including the audio content to a target location (page 3, lines 11-14). Parish discloses a video teleconferencing system for transmitting spoken audio from a user at the target location to a user at the source location (page 5, lines 10-18). Parish discloses that spoken audio input means is provided to both source and target locations so that spoken audio can be transmitted from and to both locations (page 8, lines 15-23). Parish discloses an editing control console at the target location and coupled to the editing system and to the video teleconferencing system to manipulate from the target location settings related to the media content, wherein the user interface presented displays editing means for editing the media component (page 16, lines 17-20). Parish discloses manipulating from the target location a level of the audio content as played at the source location and manipulating from the target location of the transmitted spoken audio as played at the source location, thereby to facilitate conversation between the users (page 13, lines 19-24), Parish teaching that transmitted spoken audio is further manipulated by level to be output at the remote site, wherein Parish teaches further manipulation that is done to change the level of the audio spoken, with the transmitted

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spoken audio, to facilitate conversation between the users. Parish discloses manipulating the audio data format when audio data is transmitted between source and target locations (page 8, lines 9-20). In order to properly transmit and output the audio data that is spoken, audio data spoken at the source or target location is manipulated to a distinct format representing changes in level and then further transmitted to the source and target locations to be properly output to the users at the location to hear the spoken word from the speaker who may be at the source or target locations. Parish does not explicitly teach that an editing console is used for the manipulation of the transmitted audio content. It is notoriously well known to one skilled in the art, at the time of the invention to disclose that an editing console, represented as a control for adjusting the volume of the audio data found in various operating systems of computer systems to adjust the volume to a desired level by the user. Examiner takes Official Notice of this teaching. It would have been obvious for one skilled in the art, at the time of the invention to teach an editing console for adjusting the transmitted audio levels. Parish discloses a system that enables users to listen to audio data, further allowing adjustments made to this audio data, as is common in computer systems and Parish further teaches an user interface that allows for user viewing and manipulation of the data being editing along with the video conference data. It would have been obvious that a volume adjuster is presented to the user to manipulate the volume desired for a user to listen to the audio content, representing the editing console. Hence, it would have been obvious to one skilled in the art, at the time of the invention to present an editing console for manipulating the transmitted audio wherein the volume adjuster

presented to the user would serve as this editing console for manipulating the transmitted audio, which is found commonly in various computer systems.

Referring to claim 13, Parish discloses the video teleconferencing system also transmitting spoken audio from the source location to the target location (page 4, lines 10-13).

Referring to claim 14, Parish discloses that the editing system adds at least one of graphics, text, or other information to the media content in conjunction with the video conferencing (page 18, lines 7-11), wherein annotating the media content teaches adding information to the transmitted media content. Parish in general teaches editing media data in conjunction with video conferencing wherein annotations and transmission of data, communication between users would be carried out through video conferencing therefore any form of editing would be carried out in conjunction with video conferencing.

5. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parish and "AUROACORD".

Referring to claims 17 and 19, Parish does not explicitly disclose that manipulating remotely includes starting, stopping, fast forwarding, rewinding, and pausing the playback. It is notoriously well known to one skilled in the art, at the time of the invention to disclose that manipulating a video includes starting, stopping, fast-forwarding, rewinding, and pausing the playback, wherein viewing of video data involves manipulation using these functions. Examiner takes Official Notice of this teaching. It would have been obvious for one skilled in the art, at the time of the invention to teach

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that that manipulating remotely includes starting, stopping, fast forwarding, rewinding, and pausing the playback. Parish discloses a system that enables users to listen to view video data, wherein including video systems and means for viewing and manipulation of video data related to motion picture or television programs. It would have been obvious that the functions included would be starting, stopping, fast-forwarding, rewinding, and pausing the playback, for the manipulation of video. Data involving video information, that is to be viewed and further manipulated especially including motion picture and television programming data would be manipulated by starting, stopping, fast forwarding, rewinding, and pausing the playback. Hence, it would have been obvious to one skilled in the art, at the time of the invention to manipulate the video data by starting, stopping, fast forwarding, rewinding, and pausing the playback.

Parish does not disclose using a shuttle and jog control at the target location for playback. "AURORACORD" teaches using a jog and shuttle control for playback of media data (page 1, column 1, lines 15-16). It would have been obvious for one skilled in the art, at the time of the invention to learn from "AURORACORD" to use a jog and shuttle control for playback. The use of a jog and shuttle control for playback is well known and further taught in reference "AURORACORD" for playback of media data. Hence, it would have been obvious for one skilled in the art, at the time of the invention to learn from "AURORACORD" to use a jog and shuttle control for playback of media data.

Response to Arguments

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6. Applicant's arguments filed 3/15/06 have been fully considered but they are not persuasive.

The arguments presented are based on features not claimed. Arguments related volume levels or manipulation of volume of audio data are not in claimed in the present claims. Arguments also state of remote control of audio levels related to the volume of the audio data but is not clearly claimed in claim 8. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Parish teaches a media editing system that allows for simultaneously viewing and listening to of media data along with a video conferencing system that allows for both users at the source and target locations to speak to each other and listen to each other. All audio data that is transmitted from one location to another is transformed through formatting changes, which is interpreted as changes in a form of level to the audio data. The claim language does not refer to the level change affecting the volume of the audio data.

Parish does teach allowing for information to be annotated to the media data. Regardless of the process through which the annotation is carried out, which is pointed for arguments against why Applicant believes Parish does not teach these elements disclosed in claim 10, Parish does teach that media data can be annotated with further information during video teleconferencing which occurs for users to communicate between each other. The video teleconferencing does occur during editing and is therefore interpreted as occurring in conjunction with any editing or interaction between users that may occur.

Parish also teaches methods such as providing of annotation data and editing data by the remote or target users to the editor or source user which is interpreted as remotely editing from the target location to the source location. The edited media that is then edited based on remote manipulation provided by the target locations is then viewable simultaneously to both users at the source and target locations. By providing annotation data and editing items to the editor, the users at the target locations are remotely editing the information and are therefore part of the collaboration. Both users at the source and target locations then view the final edited media data.

Any user interface that allows for the remote or target users to take part in editing can be interpreted as editing control console at the target location. As has been previously referred to, Parish does teach methods for users at the target location to take part in editing the media data through user interfaces allowing for remote editing of the media data.

Conclusion

7. Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System. Any inquiry concerning this communication or earlier communications from the examiner should be directed to


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Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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April 29, 2006



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